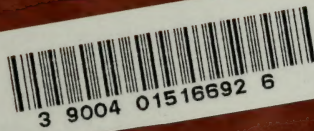


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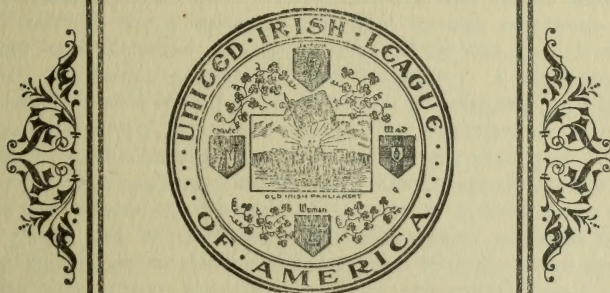


SPEECH

... OF ...

Hon. Edward Blake, M. P.

DELIVERED BEFORE THE
FIRST NATIONAL CONVENTION



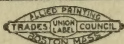
United Irish League

... OF AMERICA ...

Faneuil Hall, Boston, Mass.

... October 20-21, 1902 ...

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Speech of Hon. Edward Blake

At the United Irish League Convention, Faneuil Hall, Boston,

October 21st.

Hon. EDWARD BLAKE said :—

MR. CHAIRMAN, LADIES AND GENTLEMEN: I was rather dismayed when I heard the President say a moment ago that he was reserving me for a little while, for my apprehension this good long while was that I was being perhaps reserved too long. (Applause and laughter.) I am here to extend the congratulations not of a leader or of an envoy or delegate, for I am none such; but after you have heard those who occupy that representative position you are pleased to listen to the humble words of one of the rank and file of the Irish parliamentary party (applause) whose only title to speak here is the kind invitation which was extended to him by the national committee to come amongst you as your guest, and to renew some old friendships made in former visits to cities of the Union, particularly to Boston, and to make some new friends. In these pleasing occupations I have been more successful than I ventured to expect. I shall not hope to please you with oratory, but shall address you with plain statements, made in plain words by a plain man to plain people like himself, and if I can sit down without wholly disappointing you, my expectations will be more than gratified. (Applause.)

I add my heartiest congratulations to those who have organized and to those who constitute this great and representative Convention, so important in its aggregate numbers, so important in the width and variety of the sovereign States from which it comes, so important in the character and quality of the individuals who compose it, so earnest, so able, so determined in the cause in which it is engaged. It is a constant delight to me to see—and gloomy indeed would be the prospects of our cause were that not to be seen longer,—it is a constant delight to me to see the continuing fervor and zeal of Irishmen born in Ireland, though there no more, for the country which they have long since left.

It is a still greater delight to see that in the generations which had not the gain, or the loss, of being born on the old sod, in generations born and brought up on other soils and in other climes and under different and, alas! for Ireland, in many respects happier conditions, there is preserved even amongst these a genuine and earnest attachment for the soil which they may never have seen, but which was that of their fathers and of their mothers and of their race. (Applause.)

I hold it to be a wonderful thing that you have kept alive that sacred feeling of affection so successfully in this country. I recognize the difficulties, and there are increasing difficulties which we must all recognize and against which we must all guard. They are naturally increasing difficulties as the interest of the old fades and the interest of the new grows stronger. It is I repeat important that we should recognize that and guard against it,

And How ?

We have one great advantage on this continent, on which from the pole to the gulf there is in one respect no dividing line. This continent is instinct with the spirit of liberty. This continent is instinct from the pole to the gulf with the spirit of popular control, of local institutions and State as well as national government, which repels the idea of oppression.

On this continent we have liberty, which is not license, but liberty regulated by law, made and administered by a self-governing people. On this continent all, no matter what their race, have a natural tendency and a wish for the extension of that liberty and freedom which they prize for themselves, and there is thus a sincere, though it may be a somewhat Platonic love for the Irish cause as exemplified by freedom from end to end of the continent. But we want, in those who spring from our race, more than that. We want that they should retain some race feeling, that they should, though they may be generation after generation removed from those who may be born on the sod, retain some feeling for Ireland as the country from which they sprang (applause), and some affection and sympathy and passion for that country where their forefathers lived and loved and suffered and died. (Applause.)

I want to show you by a humble instance, important only in the general sense to our cause, how happy the condition of the peoples that inhabit this continent in this regard, and it is a very humble instance which is in no sense personal to myself, though the instance belongs to me. I happen to belong by creed and by class and by family and traditional politics to the Irish ascendancy party. I remember in the year 1898 speaking to a number of my political friends in Dublin when we were arranging for the commemoration of the year 1798. They asked me to speak to them, and I told them that while heartily approving of that commemoration, in which I intended to take part, I yet could not claim any hereditary right to be one of the participants in the celebration. I went on to say that it was true that an ancestor of mine had suffered in the rebellion, and there was at once a frantic cheer. I said, "Gentlemen, stop a moment. Don't cheer too soon. I don't know which of your ancestors it was that shot mine." (Applause and laughter.) But shot he was at the head of his troops by the insurgents of '98.

Secretary O'CALLAGHAN : "Redmond's probably." (Great laughter.)

I was obliged to add that I had another disqualification, that a very well-known relative of mine had suffered death at the hands of his tenantry. (Laughter.) The inference to be drawn from this is that had I been born and bred in Ireland it is possible that I might have remained in the false faith of the ascendancy party. But born as I was on the soil of free and democratic Canada (applause), with the earliest memory of my life as a child of four years, the Canadian rebellion of 1832, I cannot remember an hour that I could think at all on political subjects in which I was not in faith and conviction an ardent believer in liberty and Home Rule and the right of self-government. (Applause.)

What is it, while all this is in the air, what is it that we want, we Irish-Americans? for I am an Irish-American like you. I deny your right to take that name American all to yourselves (applause and laughter); nearly half of this continent does not belong to you yet (laughter and applause), and the spirit of freedom which we maintain with you perhaps will enable us to keep it for ourselves. (Applause and laughter.) But I say this, that we want as Irish-Americans in order to maintain our power, to spread the light on the Irish cause among all the other races and persons that make part of these two vast communities, aye in this effort we must use our power to spread the light, aye, we must use our power to maintain the light for ourselves and for our children too, and our grand-children who are brought up on this soil. (Applause.) In order to spread the light

What is Wanted?

Why, that is wanted most of all which is wanted for an honest and true faith—knowledge of facts and of circumstances. Spread the light and spread it where you can best spread it, in your own homes. Teach your children the story of their nation, keep alive in their breasts the sacred flame of patriotism, make them good Irishmen. I rejoiced to see the insertion at the suggestion of the President of the word “history” as amongst the subjects, the propagation of which was to be a feature of the League. (Applause.) Aye, we have suffered, don’t I know it, with reference to the English people; on this question we have suffered from ignorance more than any other thing. (Applause.) Let Irishmen make it their duty next to their religious faith to teach their history to their children.

I should like to see the history of Ireland a daily-read book in Irish families. (Applause.) I should like to see large editions, notably from the time of Grattan’s parliament down, issued and bought and read by the Irish people, and read until they are dogs-eared from cover to cover. So would your children be armed with that knowledge which is power, a knowledge which would give them a faith based upon reason and would enable them to communicate that faith to others and to strengthen the cause everywhere. (Applause.)

Now, at the close of these proceedings when so much has been said, I think that I will ask your leave to deal with one single topic which is, after all, an all-embracing topic, and upon which this very knowledge is perhaps—I dare say not to such well-instructed persons as yourself, but I am addressing others too—on which knowledge is very much wanting. What I am going to tell you is what is the state of things in Ireland to-day with reference to liberty; but before I tell it to you I want to find out what is liberty according to our conception. A poet once said in words often quoted: “For forms of government let fools contest; whate’er is best administered is best.” I do not in the least agree. Good forms, especially in so far as those forms are forms which guard and cherish and restrain infringements upon the principles of liberty and give fundamental securities to the citizens against oppression, are not merely important but they are vital. But I do agree so far that the administration of the law is half the battle, and that we must not be contented with good laws, we must also secure a good administration of those laws in order that we may have the substantial of liberty. Forms may be twisted, laws may be abused, and the name of freedom may be so worked as to result in slavery; and such I calmly and deliberately say is the case in Ireland to-day.

I say that our show of freedom is in substance slavery. We live under a sham system of freedom and of equal rights. We have a common parliament

which deals not merely with common, joint and imperial affairs, but deals also with the exclusively local concerns, with those things which come home to the business and the education and the sentiments and the daily life of each of the different peoples, which deals with all these absolutely itself. In that common parliament each of the islands is represented, and they grumble very much, having stripped our country of half its population and made or left it relatively weakened, they grumble very much because the bargain of the Union gave us 103 members, and they are threatening now to cut us down. Well, all looks fair enough. There we are. They all deal, they say, with the affairs of each country, and with the common affairs; but the system obviously lacks security for freedom, it obviously gives power to the predominant partner with its five or six hundred members to do exactly what it pleases not merely with reference to its own affairs or with reference to the common affairs, but with reference to the local affairs, with reference to the affairs which are exclusively those of the weaker partner. It obviously is possible that that should be the case, and, alas, it is the case in fact.

What does Freedom Consist of!

Freedom, according to my judgment, consists not in anarchy. Liberty is not license. Freedom consists in living under a reign of law, which law is made by the consent of the people who are ruled by it and administered by officers responsible to and appointed by the people who are ruled by it. (Applause.)

There is the essence of freedom. That is the essence of British freedom, that is the essence of the freedom of the United States, that is the essence of the freedom of Canada, that is the essence of the freedom of Australia. If there be a thing of which the mother of parliament's might boast but for her conduct with reference to Ireland, which she might boast of spreading throughout the world, it would be a state of affairs which would realize that condition with reference to freedom. I have said that the essence of freedom is that the laws should be made practically by the people who are ruled, and administered by persons who are responsible to those people.

But what is the Case?

Under this common parliament laws have been, through the century, and notably since the Union, more or less imposed upon Ireland contrary to the protest and against the will and against the votes of a large majority of her representatives. They are so imposed to-day. The law to which I am about to allude was imposed in 1886 against the protest of four-fifths of the people of Ireland. Laws are enacted against our will, reforms are refused which four-fifths of the representatives of Ireland demand, so that we are ruled under laws which we oppose as far as we can, and we are refused laws which we demand as far as we can. Under those circumstances I want to know how much there remains in reality of the substance of freedom in the making of laws for Ireland. Nothing whatever.

What is the result? What is to follow? Take a happier condition. Take the condition of England itself, take the condition of the United States, take the condition of Canada and Australia—two great self-governing commonwealths. Now in these happier countries, mark you, the administration of law—for I now come from the making to the administration—the administration of the law is comparatively easy because it is a law which is the people's

law, it is a popular law; all men approve of it except a few, but the majority of the people is in favor of it. Even when such laws are thus easy to enforce it is necessary to prescribe securities for the individual against perversion of the law; and these are fundamental and ordinary and commonplace securities. There would be rebellion and revolution if it were necessary, in those countries that I have named if those securities were attempted to be taken away.

What does Happen?

We know that oppression may exist in the guise of law. It is the worst possible kind of oppression, for the forms of law are revered by the people, and their abuse is the greatest of public crimes. Now, what are those securities? I deal with criminal matters mainly. The first is that there must be a clear and plain statement in the indictment of the crime with which you charge the man against whom you invoke the majesty of the State in justice; second, that the facts are to be tried by a jury of the people indifferently chosen; lastly, that those facts are to be tried under the direction of, and the law is to be delivered by, independent and impartial judges chosen for their high qualifications for positions on the bench, respected by the people, men whose whole function and object and aim is to maintain by their conduct their just reputation for integrity and impartiality. (Applause.) There is what you get in security—a clear statement of what you are charged with, a jury chosen fairly from amongst the people to find the facts, a jury on whom you can depend, and a judge independent of the State, holding his office during good behavior and not susceptible of removal except for cause and whose function is such that he shall charge as to the facts and instruct and direct as to the law. In Ireland at this time of day and under ordinary conditions, even where the special act to which I am to refer is not in force, in Ireland some of these main conditions do not apply, and where that act is put in force they are all absolutely reversed. Nor can you wonder, because it is a necessary result of imposing laws on people against their will that you must take extraordinary efforts to secure convictions. In Ireland instead of an independent bar, with honorable aspirations to seats on the bench which it may nourish and maintain, taking an honorable part in politics, you have a bar bribed from the time a man aspires to become a barrister at all, bribed by an excessive number of scandalously overpaid judgeships and other offices, judgeships in which the judges with very light work and with an absolutely secure tenure, and with a large retiring allowance as soon as infirmity succeeds, yet get a larger salary than the best of them can earn by his precarious labors at the bar.

In Ireland there is thus such a condition as does not obtain anywhere else in the world. What is the road to the bench and to the law offices in Ireland? The road to the bench or to the law offices is the road of abnegation of national aspirations, the road is the road of maintaining the so-called Union, the road for those who were born under circumstances and of parents and in a class which might have rightly made them nationalists, the road is the road of suppression and of perversion of their political faith. Practically access to these high offices is barred to the nationalists. Practically the judgeships and the officerships are composed or drawn from one small section of the community. Yes, practically these dazzling bribes to which I have referred are held before a profession which after all, though it is laughed at and abused, has always been found to contain within its ranks the most able and the most eminent defenders of the cause of liberty. I could give you names in your own Union in illustration of

this, and I will remind you that there was a most able Irish bar at the time of the Union of which the vast, the overwhelming majority sent a protest against that Union at that day. (Applause.)

Such is the condition with reference to the bar. I do not mean to say that they are all purchasable to-day. Thank God, there are able men at the bar who are Nationalists to-day. But is that a fair condition of things? The other point to which I would refer is as to the juries. I am reminded that you know of the packing of juries, and many a lawyer, more than one, we know, has changed from a patriot into a jury packer. (Applause and laughter.)

What Happens?

Take a county in which there are perhaps ninety or ninety-five per cent. of the population Catholics, in which by consequence—naturally—on a large jury panel there will be a large preponderance of Catholics if the jury panel is at all fairly struck. But the crown has the power when a juror is called up to go into the box, without cause assigned at all to say as a matter of right to A, B, or C, as he comes up, "Stand by." Suppose there were a hundred men on the panel and there were fifteen or twenty of them thought safe for the crown and eighty or eighty-five of them thought not safe for the crown, it is only necessary for the crown to go on saying to those men as they come up who are not safe, "Stand by," and then you can get your twelve men for your jury out of the twenty or twenty-five. And it is not at all because they happen to be Protestants; Oh, no! They assure us that it is not so. They don't know anything about religious faith. But it has so happened not infrequently, and it has been frequently stated without contradiction in the house of commons; it has so happened that where the panel was enormously Catholic and where the trial was of Catholics, it has so happened that twelve men, of course fair, and of course impartial Protestants have constituted the jury to try their Catholic fellow countrymen. (Applause and laughter.) That is in the ordinary course of justice. But let us get to the condition which exists in half of Ireland to-day and which may exist in all of Ireland to-morrow. Let me say to you first that these things would be absolutely impossible to be done in England. If these things should be attempted in England there would be such a disturbance and indignation that a government which suffered them would not exist for more than the time necessary to turn them out. And yet the same English people who would so deal with such a perversion of justice as I have described, somehow or other we cannot get out of their heads that what would be injustice for them is not the height of justice and good for Ireland. (Applause.)

But that is not Enough.

It is not always safe to depend upon "Stand by" because somehow or other a man who is not safe may slip in upon the jury and there may be a disagreement, and that is very uncomfortable, because a conviction is what is sought; and then the Act of 1886 is used. The forms of justice even are abolished. The Castle can when it pleases proclaim a district, and by that proclamation they bring into force the infamous law of 1886 just at the will of the executive authorities. That law is brought into force, making some new crimes, and for old crimes and new to which it relates are removed those securities for justice to which I have referred.

What Happens then ?

As to the form of the charge. The clear and precise and plain statement of the crime is no longer necessary. It is a summary proceeding; and the judges have held that the same particularity and precision which the law demands in the ordinary course is not required in the case of a summons under the Crimes Acts. Secondly the juries are abolished for the reason that I have mentioned, that even with all of their care and the use of "Stand by," a jury may sometimes contain a dissident. And the facts, instead of being tried by a jury of the land, of those people who are supposed to make and to suffer under the law, the facts are tried by magistrates. If such a thing were done in England as to have the facts tried by judges instead of by juries, there would be such a disturbance as would drive out the government. Yet not only the law but the facts are tried by those same magistrates.

I have told you that the fate of the accused is in the hands, instead of a jury and of a high independent judge, the fate of the accused is in the hands of two—what we call "removeable" magistrates.

What kind of Men are those ?

They are not high class lawyers appointed to administer, general justice to the whole community in all matters, independent of the government, jealous of their reputation for integrity. Not at all. They are, relatively speaking, inferior men, not thoroughly trained in the law, and most of them not trained at all in the law, but chosen mainly from the ranks of the constabulary and from the military and naval ranks. That is about the very worst training you could suggest for the office of magistrate for the discharging of criminal justice. You set an old constable to do this business. What can you expect? Why, his whole life has been passed in suspecting crime and finding out crime, and I am sorry to say sometimes—of which we know one notorious instance—in inventing and creating crime. From those ranks are appointed the judges.

What is their Tenure of Office ?

They are removable from office without cause assigned, without trial or inquiry, at short notice—I believe three months' notice—by the executive. Their salaries are not fixed. They are on the votes and they can be stopped. They have no security of tenure. They are servants. They are subject to be reduced or to be promoted, because a great many of the magistracies are better than others, and others worse than the best; they may be changed about and so they are subject to promotion or degradation. They do not take the duty in rotation or in general order, so that you may have the chances at any rate, of your man.

But on the occasion of each trial under the coercion act the men are picked out by prosecuting officers at the castle and sent down to conduct the trial. They are picked for the purpose, I do not say of convicting, of course not, but of trying the accused. So contrary is this to the practice in other countries, in England and elsewhere, that the rule is that the same judge does not go to the same assizes twice in succession. The castle, as I say, picks out those it thinks the fit persons to try each case under this act. Then on what evidence do they generally act? They act on the evidence, mayhap, of police constables, their old colleagues in the constabulary—on whom at any rate they look with those favorable feelings towards their evidence that people naturally entertain towards a profession in which they themselves have been engaged so long. And you

know from the example to which I have referred that certainly there are melancholy instances of a certain number of cases—we know not what the number is—of cases of absolute perversion of justice, of perversion which has caused the imprisonment, ruin, destruction and death of some innocent individuals. (Shame.) That is the condition with reference to agrarian questions, with reference to the questions which come up in the press or in public meetings in about half of Ireland to day, and it may be so in all Ireland to-morrow. These are not police court matters. They involve connection with those things which are the most sacred essentials of liberty, they are concerned with freedom of speech, freedom of the press, freedom of public assemblies and the reports of proceedings of public assemblies and comments thereon. They affect questions connected with the law of public meeting and of the press. Things are sometimes held in law to be bad when two combine to do that which one can do singly. They are connected with the old law of conspiracy, a very difficult law. All these questions involve difficult and delicate points, both of fact and of law, and each of them touches most nearly fundamental popular rights. Who would not value them? Some of us may deplore the license of the press, but who would favor anything that would limit the license at the expense of limiting the freedom of the press? Freedom of the press is the palladium of liberty and yet you find newspaper editors, for reporting what are called unlawful assemblies and commenting on them, sent to jail. Then there is the border line between political agitation and criminal action. That is a very important, but also a very fine line.

Now in times of high excitement, when the people feel that injustice is being done, you have to deal carefully, if you will deal justly, with acts of agitation, and acts which may a little transcend the law. A large body of grave and reverend clergymen and others in England, men of weight, are threatening to-day that they will refuse to pay the rates if the education bill passes. They will break the law. Then there are questions of intent. There is no question more difficult or delicate than that of what a man intends to do. Then there is a question of one man's speech making a meeting unlawful. Suppose we were in an Irish meeting to-day and I made a speech which as you will have seen from my speech to-day would be perfectly lawful, for I am all for law and I am all against the abuse of law. Now, after I have got through talking, supposing somebody else gets up and in his remarks says something which a removable magistrate thinks unlawful, unless I get up after this man has finished his speech and publicly contradict him I should then according to some of these decisions be held to have assented to it, and should be liable to go to jail because he said something which he ought not to have said; and the removable magistrate is the judge of the law and of the facts in the case. Which of us in a free, in a public meeting agrees with every single sentiment that every speaker utters, and which of us feels bound to get up and contradict, or which of us thinks that public business could ever be transacted if such were the case? It is utterly preposterous; and yet that is said to be the penalty at public meetings in Ireland to-day. That is the state of the case to-day.

I will add only one thing more to this far ago of abuses. There is an old law passed in the time of Edward III, which the parliament of Edward VII shows no desire to repeal, empowering a magistrate to hold you to bail for good behaviour. There have been some cases in which some men could not be proved to have done anything and they were acquitted on the coercion indictment, but the magistrate said, "although you could not be proved to have done anything,

yet we will hold you to bail," and they required him to go to jail until he furnished the bail.

Under the coercion act one may be sentenced to six months imprisonment, so that when a man is convicted under the coercion act he may be given six months by the magistrate, and also the magistrate may hold him to bail to be of good behaviour, and if he does not give bail may give him six months more, practically making a twelve months sentence for an act tried and disposed of under a law which gives it a six months' penalty. I ask what remnant of freedom there is in a country whose laws are made against the will of its people in the way I have described, whose laws are administered in the manner I have described, and that in reference to the subject which is of the deepest interest and concern, in which there is the widest and most general feeling on the part of the people?

Men are sent to jail under this system for six months and they are by the operation of this system, deprived — *ipso facto* — of their honors and their service in their own community, because a man who is sentenced to hard labor is, by the law ineligible for five years to serve his county or his district, so that a man may be a municipal councilor and by the coercion courts he may be sentenced to be imprisoned at hard labor and by that sentence he is not merely imprisoned and deprived of his liberty, but at the end of that time he has lost his councillorship, his people have lost the benefit of his services, and for five years he is a proscribed man. As to a large part of this jurisdiction there is no appeal, and in all the cases of the holding to bail, almost all the cases, there is no appeal whatever.

Can you wonder, Gentlemen, is it possible to wonder that under these conditions the administration of justice in Ireland is held by the people in the contempt and hatred in which it is held. How ought the administration of justice, such as I have described, to be held? How ought the administration of justice to be conducted? As it is in your country and in England and in my own country and in Australia. How ought the administration of justice to be treated? As the most precious possession of the people, with magistrates honored and decisions respected. In Ireland the administration of justice is condemned and despised, and the magistrates do not receive veneration or admiration. Can you wonder? Can you be surprised, and can this condition which I have described to you be stated as otherwise than as one of laws made and laws executed by force?

What is the condition of living under laws made and executed by force but a condition of absolute slavery? I am not surprised, for all this is but the logical result of the attempt to govern a people against that people's will. (Applause.) The remedy, gentlemen, is simple, the remedy is sure, the remedy is complete, and there is but one remedy in the world. It is to abandon the attempt and let the people govern themselves. (Applause.) It is in the effort to persuade and to press the ruling power to accept that view and to give the people that which they keep for themselves, which they have given to other countries, that which you yourselves inherit from them, that we toil. It is to persuade the ruling power to give Ireland that self-government which is her birthright and which she must in the end obtain that we labor; and with confidence we ask you to help our labors. (Great applause.)

